

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

The specification is amended to include section headings.

Claims 1-57 were previously pending in the application. Claims 4, 10, 11, 13-16, 19, and 38-40 are canceled and new claim 58 is added. Therefore, claims 1-3, 5-9, 12, 17, 18, 20-37 and 41-58 are presented for consideration.

Claims 1, 2, 5, 8-11, 14, 16, 17, 23-26, 29, 33, 34, 36-38, 41, 42 and 46-57 were rejected under 35 USC §102(b) as being anticipated by TAYLOR WO 96/34367. That rejection is respectfully traversed.

Claim 1 recites at least two superposed rows of detection cells. One of the rows extends to both sides of the flap above a mid-height of the frame.

By way of example, Figure 6 of the present application, reproduced below, shows at least two rows C1-C12 and C23-C31. The upper row C1-C12 extends to both sides of flap 3. Thus, detecting elements C7, C8, C9, for example, are on one side of flap 3 while elements C5 and C6 are on the other side of flap 3.

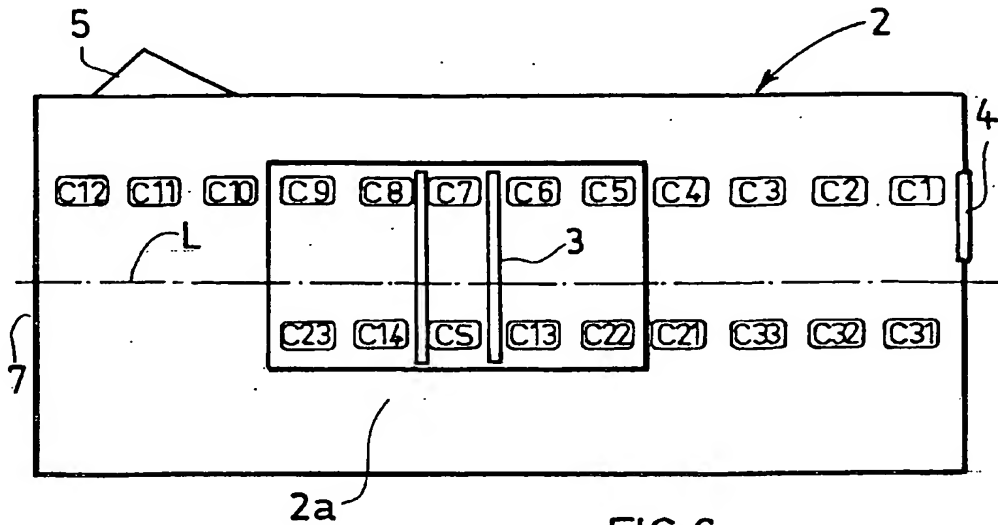
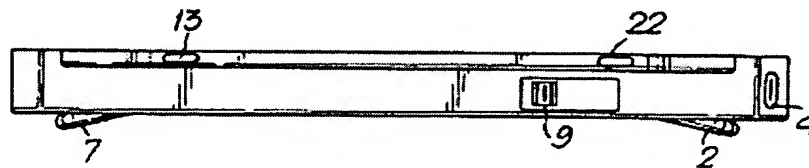


FIG. 6

The Official Action has designated cells 13 and 22 of TAYLOR as cells in the high row. As seen in Figure 2 of TAYLOR, reproduced below, these cells are to one side or the other of flap 2 or 7. For example, cells 13 and 22 are to the right of flap 7 or are to the left of flap 2 depending on which direction is concerned for the flow of passengers. TAYLOR does not disclose a row of cells extending to both sides of the flap as recited.

Fig.2.



As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

The dependent claims are believed patentable at least for depending from an allowable independent claim.

In addition, the dependent claims include features not disclosed by TAYLOR. Claim 17 recites that the cells in the middle or upper rows situated downstream of the flap are suitable for detecting the passage of a person or of a child from downstream to upstream. TAYLOR only discloses the detection of a U-turn in the region that is upstream of the flap. TAYLOR does not disclose detection downstream of the flap as recited.

Claim 23 recites first and second flaps with the second flap being on an axis shared with the first flap. The flaps 2 and 7 of TAYLOR are at opposing ends of the device and do not share a common axis.

Accordingly, these claims are believed patentable regardless of the patentability of the claims from which they depend.

Claims 15, 27, 28, 30-32, 35 and 40 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR. That rejection is respectfully traversed.

Claims 15, 27, 28, 30-32, 35 and 40 depend from claim 1 and further define the invention and are believed to define over

TAYLOR at least for depending from an allowable independent claim.

Claims 3, 4 and 18 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of IMAZUKA 6,450,404. That rejection is respectfully traversed.

IMAZUKA is only cited with respect to features of the dependent claims and does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claims 3, 4 and 18 depend from claim 1 and further define the invention, claims 3, 4 and 18 are believed patentable at least for depending from an allowable independent claim.

In addition, claim 3 (as presently amended) recites that a distance between the flap and the output of the ticket is such that when the flap is in the position preventing the passage of a person, the latter cannot access the ticket output in order to remove the ticket.

From the above, it is apparent that a person can only get his ticket when the flap has been opened.

Page 5, lines 1-6 of TAYLOR refer to a second person behind the first person already in the passage is prevented from getting the ticket instead of the first person. Such a feature does not meet the claim language.

In addition, the input port 4 and output port 10 of TAYLOR are very close to each other such that a person can take his ticket even if the gate remains in the closed position.

IMAZUKA does not overcome the shortcomings of TAYLOR. Rather, IMAZUKA shows a flap 7 immediately adjacent the ticket take-out port 4. IMAZUKA fails to disclose the operation of the gates with respect to the ticket input and output. It appears that IMAZUKA has a two-gate structure preventing the person from entering until a ticket is inserted at the ticket input 3 and a second gate preventing the user from exiting until a ticket is removed from the ticket output 4.

The proposed combination of references does not suggest that a distance between the flap and the output of the ticket is such that when the flap is in the position preventing the passage of a person, the person cannot access the ticket output in order to remove the ticket as recited.

Claims 6 and 7 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of MAY 3,478,467. That rejection is respectfully traversed.

MAY is only cited with respect to features of the dependent claims. MAY does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. As claims 6 and 7 depend from claim 1 and further define the invention, claims 6 and 7 are believed patentable at least for depending from an allowable independent claim.

Claims 13 and 39 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of TETHERTON 5,333,410. That rejection is respectfully traversed.

TETHERTON does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claims 13 and 39 depend from claim 1 and further define the invention, claims 13 and 39 are believed patentable at least for depending from an allowable independent claim.

In addition, the proposed combination of references fails to teach or suggest at least three groups of cells assigned to detection functions ensuring the person's safety, the counting of the persons and non-authorized and/or fraudulent passage.

No art was applied against claim 12, to which claim 13 was added.

Claim 19 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of KOCZNAR et al. 4,929,821. That rejection is respectfully traversed.

KOCZNAR does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 19 depends from claim 1 and further defines the invention, claim 19 is believed patentable at least for depending from an allowable independent claim.

Claim 20 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of SHELDON 5,010,240. That rejection is respectfully traversed.

SHELDON does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 20 depends from claim 1 and further defines the invention, claim 20 is

believed patentable at least for depending from an allowable independent claim.

Claim 21 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of SHELDON and further in view of KOCZNAR et al. That rejection is respectfully traversed.

SHELDON and KOCZNAR do not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 21 depends from claim 1 and further defines the invention, claim 21 is believed patentable at least for depending from an allowable independent claim.

Claim 22 was rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of NELSON 5,105,369. That rejection is respectfully traversed.

NELSON does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claim 22 depends from claim 1 and further defines the invention, claim 22 is believed patentable at least for depending from an allowable independent claim.

Claims 43-45 were rejected under 35 USC §103(a) as being unpatentable over TAYLOR in view of TANABE 4,918,298. That rejection is respectfully traversed.

TANABE does not overcome the shortcomings of TAYLOR set forth above with respect to claim 1. Since claims 43-45 depend from claim 1 and further define the invention, these claims are

believed patentable at least for depending from an allowable independent claim.

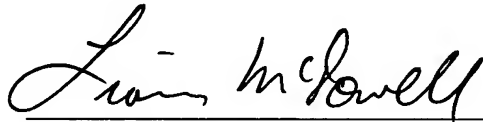
New claim 58 is added. Support for the new claim can be found in original claims 3 and 4. The analysis above regarding claim 3 is equally applicable to new claim 58.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Liam McDowell, Reg. No. 44,231
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/lrs